

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Kobe, Mark, and John,)
)
Plaintiffs,)

C/A No. 3:11–1146-TMC

v.)

OPINION & ORDER

Nikki Haley, in her capacity as)
Governor and Chairman of the)
South Carolina Budget and Control)
Board; Daniel Cooper, Converse)
Chellis and Mark Sanford, in their)
capacities as former members of)
the South Carolina Budget and)
Control Board; Hugh Leatherman)
and Richard Eckstrom, in their)
capacities as members of the South)
Carolina Budget and Control Board;)
Curtis Loftis and Brian White, as)
members of the South Carolina)
Budget and Control Board, Anthony)
Keck, in his capacity as the Director)
of the South Carolina Department)
of Health and Human Services,)
Emma Forkner, in her capacity as)
the former Director of the South)
Carolina Department of Health)
and Human Services, Beverly)
Buscemi in her capacity as Director)
of the South Carolina Department)
of Disabilities and Special Needs,)
Eugene A. Laurent, former Interim)
Director of the South Carolina)
Department of Disabilities and)
Special Needs; Stanley Butkus,)
former Director of the South Carolina)
Department of Disabilities and)
Special Needs; Richard Huntress,)
in his capacity as Commissioner)
of the South Carolina Department)
of Disabilities and Special Needs;)
Kathi Lacy, Thomas P. Waring and)
Jacob Chorey, in their capacities)
as employees of the South Carolina)
Department of Disabilities and)
Special Needs, Mary Leitner, in)

her capacity as the Director of the)
 Richland Lexington Disabilities and)
 Special Needs Board; the Babcock)
 Center, Judy Johnson, in her capacity)
 as the Director of the Babcock Center)
 and other Unnamed Actors Associated)
 with the Babcock)
 Center,)
)
 Defendants.)

This matter is before the court on Plaintiffs’ Motion to File an Amended Summary Judgment Motion filed on January 10, 2014. (ECF No. 246). Plaintiffs seek to make several changes to their memorandum and add four exhibits. Plaintiffs state that when they filed their summary judgment motion on January 6, 2014, “it was learned that these Exhibits had not been scanned” and “[t]o avoid being late filing the Motion, the Motion was filed with reference to these Exhibits and the Motion to Correct was filed, after consultation by email with Defendants’ counsel.” (Mot. at 7). On January 10, 2014, prior to filing this motion, Plaintiffs sought Defendants’ consent. Plaintiffs state that none of the Defendants indicated any objections to the revisions to the memorandum itself, but The Babcock Center (“Babcock Center”) objects to Plaintiffs’ request to add four exhibits, the financial statements of Babcock Center from 1999, 2004, 2005, and 2006.

Babcock Center objects on the ground of relevance, and did not claim that it would suffer any prejudice as a result of the amendment to include these exhibits. The parties are free to argue over the relevance of these exhibits in their responses and reply to Plaintiffs’ summary judgment motion. While the court expresses no opinion as to the relevancy of the exhibits, the court can certainly understand Babcock Center’s objection to adding more exhibits to Plaintiff’s motion, especially in light of the voluminous nature of Plaintiffs’ motion which currently stands at 1155 pages and with the amendments spans 1407 pages. However, in an effort to foster the

progression of this case and without any evident prejudice to Defendants, the court grants Plaintiffs' Motion to Amend. (ECF No. 243).

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
January 17, 2014